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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	08/23/2006		EXAMINER	
BRINKLEY, MCNERNEY, MORGAN, SOLOMON & TATUM, LLP Suite 1900 200 East Las Olas Boulevard Fort Lauderdale, FL 33301-2209				SHEPARD, JUSTIN E
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 08/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/905,196	CRAMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 June 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
  - 4a) Of the above claim(s) 36-42 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Election/Restrictions***

Newly submitted claims 36-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The limitation of loading data files associated with the user selected content into a hidden frame of the web-page, the files containing multimedia content and skins, is not found in the original claims. Also, in claims 41 and 42, the limitation of displaying advertisements in a "rotational format" is not found in the original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 36-42 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 25, 26, 27, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of Estipona.

Referring to claim 15, Rangan discloses a method of providing a web-based multimedia presentation on a remote user computer, comprising: transmitting non-streamed content to the user computer for display within a first display screen of a web page (column 19, lines 38-40); and transmitting streamed content to the user computer for display within a second display screen of the web page (figure 2; column 19, line 40), wherein the streamed content includes embedded commands which control the display of the non-streamed content within the first display screen in synchronization with playing of the streamed content within the second display screen (column 21, lines 27-32; figure 4, part 73; column 20, lines 7-8).

Rangan does not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Referring to claim 25, Rangan discloses a web page for displaying multimedia content that includes streamed content, the web page comprising: a first layer which provides a first display screen for displaying a first type of content (column 19, lines 38-40); a second layer which provides a second display screen for displaying a second type of content (column 19, lines 42-44); and a player module which manages at least the visibility of, and the display of content within, the first and second display screens in response to commands embedded within the streamed content (column 19, line 40; column 21, lines 27-32).

Rangan does not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Referring to claim 26, Rangan discloses a web page as in Claim 25, wherein the streamed content comprises video content (column 19, lines 38-40).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan.

Referring to claim 27, Rangan does not disclose a web page as in Claim 25, wherein the streamed content comprises at least one of a music file and an animation file.

The examiner takes Official Notice that it would have been obvious at the time of the invention for one to note that a movie file could represent an animation with music. The motivation would have been that an animation with music would be one example of what a movie could be constructed from.

Referring to claim 33, Rangan discloses a web-based multimedia presentation, comprising: video content having at least one pause command embedded therein (column 22, lines 8-11; Note: returning to the same time in the video after returning from clicking a hotspot is interpreted as being equivalent to pausing the video), the video content adapted to be played as a video; and a web page comprising a web-based player module which is adapted to play the video file (column 19, lines 38-42), wherein the player module is responsive to the pause command by pausing play the video (column 22, lines 8-11).

Rangan does not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan.

The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Referring to claim 34, Rangan discloses a web-based multimedia presentation as in Claim 33, wherein the video content further comprises a command for displaying an advertisement upon pausing of the video (column 21, lines 62-63).

Rangan does not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan. The motivation would have been to enable the broadcaster to force the user to view a streaming clip.

Referring to claim 35, Rangan discloses a web-based multimedia presentation as in Claim 34, wherein the advertisement is for a product displayed within the video (column 21, lines 27-32).

Claims 1, 2, 3, 4, 5, 6, 12, 13, 16, 17, 18, 19, 20, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of White in further view of Estipona.

Referring to claim 1, Rangan discloses a method of providing a web-based multimedia presentation on a remote user computer, comprising: transmitting to the user computer a web page for display by a web browser, the web page including a player module for displaying a multimedia presentation (column 19, lines 38-40), the player module providing at least first and second display screens that are provided as respective layers within the web page (figure 2; figure 5a; column 26, lines 52-55); transmitting video content to the user computer for display as a video within the first display screen; and transmitting non-video content to the user computer for display within the second display screen (figure 2); wherein the video content includes embedded commands (column 21, lines 27-32).

Rangan does not disclose a method including commands which cause the player module to switch the first and second display screens into and out of view within the web page during playing of the video.

White discloses a method including commands which cause the player module to switch the first and second display screens into and out of view within the web page during playing of the video (figure 5; column 4, lines 46-50 and 57-59; column 5, lines 3-4 and 7-9).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the control hiding command taught by White in the method disclosed by Rangan. The motivation for doing this would have been to enable more of the screen be devoted to advertisements that appear on the website, which can make the website money.

Rangan and White do not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan and White. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Referring to claim 2, Rangan does not disclose a method as in Claim 1, wherein the first and second display screens occupy the same display area within the web page.

White discloses a method as in Claim 1, wherein the first and second display screens occupy the same display area within the web page (column 4, lines 46-50).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the control hiding command taught by White in the method disclosed by Rangan. The motivation for doing this would have been to enable more of the screen be devoted to advertisements that appear on the website, which can make the website money.

Claim 16 is rejected on the same grounds as claim 2.

Referring to claim 3, Rangan does not disclose a method as in Claim 2, wherein the non-video content includes a hypertextual menu which is superimposed over the video content during playing of the video.

White discloses a method as in Claim 2, wherein the non-video content includes a hypertextual menu which is superimposed over the video content during playing of the video (column 4, lines 46-50 and 57-59).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the hypertextual menu taught by White in the method disclosed by Rangan. The motivation would have been that the base reference is a website, and therefore would use html to display the content.

Claim 17 is rejected on the same grounds as claim 3.

Referring to claim 4, Rangan discloses a method as in Claim 1, wherein the video content further includes a command which causes the video to pause itself (column 22, lines 8-11).

Rangan and White do not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan

and White. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Claim 18 is rejected on the same grounds as claim 4.

Referring to claim 5, Rangan discloses a method as in Claim 4, wherein the video content further includes a command for causing non-video content to be displayed within a third display screen of the player module with the video is paused (figure 6; column 26, lines 56-59).

Rangan and White do not disclose a method wherein embedded commands automatically control the display.

Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan and White. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Claim 19 is rejected on the same grounds as claim 5.

Referring to claim 6, Rangan discloses a method as in Claim 5, wherein the non-video content displayed within the third display screen comprises an interactive advertisement which is related to the video (column 21, line 63).

Claim 20 is rejected on the same grounds as claim 6.

Referring to claim 12, Rangan discloses a method as in Claim 1, wherein the player module includes at least the following display screens, each of which is controllable by commands embedded within the video content: a video screen (figure 2, part 72), a menu screen (figure 2), and a caption screen (column 21, line 60).

Claim 30 is rejected on the same grounds as claim 12.

Referring to claim 13, Rangan does not disclose a method as in Claim 12, wherein the player module further includes at least a logo screen and an animation screen that are controllable by commands embedded within the video content.

White discloses a method as in Claim 12, wherein the player module further includes at least a logo screen and an animation screen that are controllable by commands embedded within the video content (figure 4; column 4, lines 33-34; Note: changing the color surrounding text is interpreted as being equivalent to animation).

At the time of the invention it would have been obvious to add the animated menu taught by White to the method disclosed by Rangan. The motivation would have been to allow for particular programs to be highlighted to entice viewers to purchase them.

Claim 31 is rejected on the same grounds as claim 13.

Claims 7, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of White in further view of Estipona as applied to claims 1, 15, and 25 above, and further in view of Wugofski.

Referring to claim 7, Rangan, White, and Estipona do not disclose a method as in Claim 1, wherein the video content further includes commands that specify screen positions of the first and second display screens.

Wugofski discloses a method as in Claim 1, wherein the video content further includes commands that specify screen positions of the first and second display screens (figures 6a and 6b).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use html commands to specify the location of the video and control screens, as taught by Wugofski, to the system disclosed by Rangan, White, and Estipona. The motivation would have been because the base reference is a webpage, which uses html to describe its layout.

Claims 21 and 28 are rejected on the same grounds as claim 7.

Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of White in further view of Estipona as applied to claims 1 and 15 above, and further in view of Dobronsky.

Referring to claim 8, Estipona discloses a method wherein embedded commands automatically control the display (column 3, lines 9-14).

At the time of the invention it would have been obvious for one of ordinary skill to add the automatic control signal taught by Estipona to the method disclosed by Rangan and White. The motivation would have been to enable the broadcaster to force the user to view a streaming clip, such as an advertisement.

Rangan, White, and Estipona do not disclose a method as in Claim 1, wherein the video content further includes a command that specifies a player skin to be displayed within the web page in conjunction with the video.

Dobronsky discloses a method as in Claim 1, wherein the video content further includes a command that specifies a player skin to be displayed within the web page in conjunction with the video (figure 5; column 3, lines 39-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the website skin as taught by Dobronsky in the method disclosed by Rangan, White, and Estipona. The motivation would have been to enable the website advertisements to be directed towards the user as they would always be provided by the same group.

Claim 22 is rejected on the same grounds as claim 8.

Claims 11, 14, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of White in further view of Estipona as applied to claims 1 and 25 above, and further in view of Irons and Wason.

Referring to claim 11, Rangan, White, and Estipona do not disclose a method as in Claim 1, wherein the player module automatically loads browser plug-ins as needed based on the format of the video content.

Irons discloses a method as in Claim 1, wherein the player module automatically loads browser plug-ins as needed based on the format of the content (column 15, lines 8-11).

At the time of the invention it would have been obvious for one of ordinary skill in the art to only load the plug-ins as needed, as taught by Irons, in the system disclosed by Rangan, White, and Estipona. The motivation would have been to save on processing time, by only running the needed software.

Rangan, White, Estipona, and Irons does not disclose a method wherein the plug-in is loaded based on the format of the video content.

Wason discloses a method wherein the plug-in is loaded based on the format of the video content (column 1, lines 58-62).

At the time of the invention it would have been obvious for one of ordinary skill in the art to load a plug-in based on video format, as taught by Wason, in the method disclosed by Rangan, White, Estipona, and Irons.

Claim 29 is rejected on the same grounds as claim 11.

Referring to claim 14, Rangan, White, and Estipona do not disclose a method as in Claim 1, wherein the player is capable of playing multiple videos of different formats within the same web page using different plug-ins.

Wason discloses a method as in Claim 1, wherein the player is capable of playing multiple videos of different formats within the same web page using different plug-ins (column 1, lines 29-39).

At the time of the invention it would have been obvious for one of ordinary skill in the art to play multiple video formats in a single webpage as taught by Wason, in the system disclosed by Rangan, White, and Estipona. The motivation would have been to provide the content providers more flexibility when submitting media to display on the user, which would encourage more groups to submit content.

Claim 32 is rejected on the same grounds as claim 14.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan in view of White in further view of Estipona as applied to claims 1 and 15 above, and further in view of Berstis.

Referring to claim 9, Rangan, White, and Estipona do not disclose a method as in Claim 1, wherein the video content further includes a command for automatically moving at least one of the first and second display screens within the web page during playing of the video.

Berstis discloses a method as in Claim 1, wherein the video content further includes a command for automatically moving at least one of the first and second display screens within the web page during playing of the video (column 5, lines 27-38; figure 10).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the object moving method taught by Berstis in the method disclosed by Rangan, White, and Estipona. The motivation would have been to provide the user with something of further interest on the website (column 4, lines 23-28).

Claim 23 is rejected on the same grounds as claim 9.

Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan, White, Estipona, and Berstis as applied to claims 9 and 23 above, and further in view of Cailloux.

Referring to claim 10, Rangan, White, Estipona, and Berstis do not disclose a method as in Claim 9, wherein the command specifies a time period and path over which a display screen is to be moved incrementally.

Cailloux discloses a method as in Claim 9, wherein the command specifies a time period and path over which a display screen is to be moved incrementally (column 9, lines 19-22; column 8, lines 36-43)).

At the time it would have been obvious to use a path to move the object incrementally as taught by Cailloux to the method disclosed by Rangan, White, Estipona, and Berstis. The motivation would have been to only have to deal with moving small chunks of the object, therefore decreasing the processing complexity.

Claim 24 is rejected on the same grounds as claim 10.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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